

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 20-Aug-03

APPL. S.N.: 09/774,427

TO: EXAMINER Coleman, W. David

ART UNIT: 2823

FROM: Preston, Renee

PARALEGAL SPECIALIST

RETURN THIS MEMO TO: CP4-6D34

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 14-Jul-03

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please Remove and discard this memo. THANK YOU.

☒ The T.D. is PROPER and has been recorded (see ¶ 14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

☐ The TD fee of \_\_\_\_\_ has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).

☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ 14.26 & 14.26.01).

☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).

☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶ 14.26 & 14.26.02).

☐ The person who signed the T.D.:

☐ is not an attorney “of record” (see ¶ 14.29 and 14.29.01).

☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).

☐ is not recognized as an officer of the assignee (see ¶ 14.29 & possible 14.29.02).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).

☐ The T.D. is not signed (see ¶ 14.26 & 14.26.03).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶ 14.26, 14.27.02 or 14.26.05).

☐ The period disclaimed is incorrect or not specified (see ¶ 14.26, 14.27.02 or 14.26.03).

☐ Other: \_\_\_\_\_


☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: 

Date: 8/20/03

Log Date: \_\_\_\_\_

<b>Serial Number</b> 	<b>Application No.</b> 09/774,427	<b>Applicant(s)</b> Yamazaki et al.	

<b>TERMINAL DISCLAIMER</b>		<input checked="" type="checkbox"/> <b>APPROVED</b>		<input type="checkbox"/> <b>DISAPPROVED</b>	
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:	6,194,762				
The term of this patent subsequent to the adjacent date has been disclaimed.					
<b>INTERNAL DOCUMENT – DO NOT MAIL</b>				<b>Document Code - DISQ</b>	

U.S. Patent and Trademark Office



Duplicate

Docket No. 07977/115003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of )  
Shunpei YAMAZAKI et al. )  
Serial No. 09/774,427 ) Art Unit: 2823  
Filed: January 30, 2001 ) Examiner: W. David Coleman  
For: SEMICONDUCTOR DEVICE AND )  
MANUFACTURING METHODS THEREOF )

TERMINAL DISCLAIMER  
APPROVED

TERMINAL DISCLAIMER

AUG 19 2003

Honorable Assistant Commissioner for Patents  
Washington, D. C. 20231

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Sir:


I, Dr. Shunpei Yamazaki, having a place of business at Semiconductor Energy Laboratory Co., Ltd., 398, Hase, Atsugi-shi, Kanagawa-ken 243-0036 Japan, state that I am authorized to sign on behalf of the assignee of this invention and that the Assignment referred to below has been reviewed and certify that, to the best of my knowledge and belief, the entire right, title and interest in the above-identified application is in the name of Semiconductor Energy Laboratory Co., Ltd. by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 08491, Frames 0264-3.

Semiconductor Energy Laboratory Co., Ltd. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,194,762.

Semiconductor Energy Laboratory Co., Ltd. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior Patent No. 6,194,762 is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

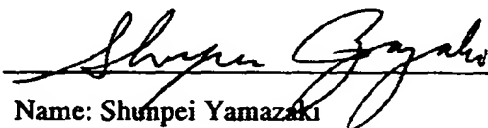
In making the above disclaimer, Semiconductor Energy Laboratory Co., Ltd. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

RENEE PRESTON   
PARALEGAL SPECIALIST  
TECHNOLOGY CENTER 2800

07/07/2003

Date

  
Name: Shunpei Yamazaki

Title: President

Company Name: Semiconductor Energy

Laboratory Co., Ltd.